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AMENDING THE ENERGY POLICY AND CONSERVATION
ACT TO EXTEND THE AUTHORITY FOR TITLES I AND II

MARCH 5 (legislative day, JANUARY 23), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 2231]

The Committee on Energy and Natural Resources, having considered the same, reports favorably an original bill (S. 2231), to amend the Energy Policy and Conservation Act to extend the authority for Titles I and II, and recommends that the bill do pass.

The text of the bill follows:

SECTION 1. SHORT TITLE.

That this Act may be referred to as the "Energy Policy and Conservation Act Extension Amendment of 1990".

SEC. 2. EXTENSION OF AUTHORITY.

The Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(a) in section 104(b)(1) by striking out "April 1, 1990" and inserting in lieu thereof "August 15, 1990";

(b) in section 171, by striking out "April 1, 1990" each place it appears and inserting in lieu thereof "August 15, 1990";

(c) in section 281, by striking out the term "June 30, 1990" each place it appears and inserting in lieu thereof "August 15, 1990".

PURPOSE OF THE MEASURE

This bill provides for a short-term extension to August 15, 1990 of Titles I and II of the Energy Policy and Conservation Act (EPCA). Title I expires April 1, 1990, and Title II expires June 30, 1990.

BACKGROUND AND NEED

Title I of EPCA authorizes the Strategic Petroleum Reserve (SPR) and deals with other matters related to domestic energy supply. Title II pertains to energy emergencies and preparedness; it authorizes U.S. participation in the International Energy Agency. Bills have been introduced in both the Senate (S. 2088) and House (H.R. 3193) that would extend Title I and II authority and make various changes in the SPR program. Passage of any such bill before Title I expiration is doubtful, thus the need for a short-term extension.

The bill extends authority to August 15, 1990, while making no other changes in EPCA. This will give the Congress time to consider S. 2088 and any other bills that contemplate substantive changes in EPCA.

LEGISLATIVE HISTORY

This extension of EPCA is an original bill reported by the Committee on Energy and Natural Resources. The Chairman, Senator Johnston, with the support of the Ranking Minority Member, Senator McClure, presented drafts of the bill to Committee members for consideration on February 26, 1990. Given the noncontroversial nature of the bill, it was considered at a Committee business meeting on March 1, 1990.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on March 1, 1990, by unanimous vote with a quorum present, recommends that the Senate pass the original bill as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS

Mr. Johnston
Mr. Bumpers
Mr. Ford*
Mr. Metzenbaum*
Mr. Bradley
Mr. Bingaman*
Mr. Wirth
Mr. Conrad*
Mr. Heflin
Mr. McClure
Mr. Hatfield*
Mr. Domenici*
Mr. Wallop
Mr. Murkowski
Mr. Nickles
Mr. Burns
Mr. Garn
Mr. McConnell*

NAYS

* Indicates voted by proxy.

COMMITTEE AMENDMENTS

There were no Committee amendments.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office (CBO) estimate of the costs of this bill has been requested but was not received at the time the report was filed. The Committee is confident that CBO will find no budgetary impact, given the nature of the bill. When the CBO estimate is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out the original bill described herein. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals or businesses. No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy. Little, if any, additional paperwork would result from the enactment of the bill as reported.

EXECUTIVE COMMUNICATIONS

On March 1, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of Energy and the Office of Management and Budget setting forth executive views on the bill. These reports had not been received at the time the report on the bill was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLES I AND II, ENERGY POLICY AND CONSERVATION ACT

Public Law 94-163, as Amended

* * * * *

SEC. 104. (a) * * *

(b)(1) The authority to issue any rules or orders under section 101(c) of the Defense Production Act of 1950, as amended by this Act, shall expire at midnight **[April 1, 1990]** *August 15, 1990*, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any

action or proceeding based upon any act committed prior to such date.

(2) The expiration of the Defense Production Act of 1950 or any amendment of such Act after the date of enactment of this Act shall not affect the authority of the President under section 101(c) of such Act, as amended by subsection (a) of this section and in effect on the date of enactment of this Act, unless Congress by law expressly provides to the contrary.

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PART C—EXPIRATION

SEC. 171. Except as otherwise provided in title I, all authority under an provisions of title I (other than a provision of such title amending another law) and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight **[April 1, 1990]** *August 15, 1990*, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight **[April 1, 1990]** *August 15, 1990*.

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PART D—EXPIRATION

SEC. 281. Except as otherwise provided in this subchapter, all authority under any provision of this subchapter and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight **[June 30, 1990]** *August 15, 1990*, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, **[June 30, 1990]** *August 15, 1990*.

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